



July 16, 2017

Marlene H. Dortch, Secretary
Federal Communications Commission
Office of the Secretary
445 12th Street SW
Washington, DC 20554

Re: WT Docket No. 17-79 – Accelerating Wireless Broadband Deployment by
Removing Barriers to Infrastructure Investment

Dear Commissioners:

Skyway Towers LLC is a wireless infrastructure provider that builds and manages wireless towers and facilities across the country. Skyway applauds the Commission's efforts to remove barriers to wireless broadband deployment to accelerate the expansion and availability of next generation services, which require timely and efficient deployment. Skyway is a member of the Wireless Infrastructure Association ("WIA"), and supports WIA's comments and the Joint Comments of CTIA and WIA on Tribal Issues.

Skyway files these reply comments to add a few examples of its own experience with the rising costs and increased delays associated with the Tribal review process. Skyway's experience is consistent with the evidence presented in the CTIA and WIA Joint Comments. As a tower builder, Skyway is very familiar with the Commission's TCNS system and the Tribal review process generally. Skyway's average per Tribe and average per site Tribal review fees have grown substantially over the last several years. Between 2014 and 2016, the Skyway's average Tribal review fees grew from \$447.50 per Tribe to \$568.08 per tribe and \$2,662 per site to \$3,404 per site –increases of 27% and 28%, respectively. Skyway's average per site fees have continued to grow this year.

In addition, Skyway's experience has been that much of the Tribal review process is focused on fees for reviews and consultants. Skyway has seen Tribes that have participated in the TCNS process for years, recently add new areas of interest -- even if that Tribe has no documented presence in the geographic area -- and as a result charge increased review fees. One Tribe requires monitoring fees, even after an archeologist has visited and examined the site, but that Tribe refuses to provide any record or report of the "monitoring" that was conducted. Another Tribe requires a modified environmental report, that typically takes 60 days to complete, but offers an expedited 30 day process for an extra fee. Recently, Skyway has seen a Tribe that has not previously been on any TCNS lists that charges \$1,500 as an initial upfront fee. Skyway's consultants and contractors have relayed that, in their experience, they have heard some Tribal representatives encourage other Tribes to raise their review fees because "[i]t's a great

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way to make money,” and Skyway’s consultants and contractors have learned that other Tribal representatives have begun their own consulting firms to provide review services to Tribes – with their consultants’ fees to be paid by applicants, not the Tribes.

Since 2014, Skyway has paid more than \$1.3 million for Tribal Review for tower sites Skyway has developed. None of those sites had to be abandoned due to Tribal concerns. In fact, Skyway has developed more than 600 sites since its founding and has *never* had to abandon a site due to Tribal concerns. Skyway recognizes that the protection of culturally significant Tribal sites is important, but its experience with the existing Tribal review process suggests that legitimate interests could be more efficiently and effectively protected without imposing undue costs on the deployment of critical wireless infrastructure. Skyway encourages the Commission to take the action recommended in the Joint Comments filed by CTIA and WIA to advance the rapid and efficient deployment of broadband wireless facilities while still protecting the important interests of the Tribes.

Sincerely,



Scott Behuniak

President & COO, Skyway Towers, LLC